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APPLICATION NO.	FIL	ING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09.509.559	1	1/27/2000	Wolf-Georg Forssmann	P65315US0	8027
136	7590	07/02/2002			
JACOBSO			EXAMINER		
400 SEVEN' SUITE 600			DEBERRY, REGINA M		
WASHINGTON, DC 20004				ART UNIT	PAPER NUMBER
				1647	_

Please find below and/or attached an Office communication concerning this application or proceeding.

9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) Notice of References Cited (PTO-892)		Application No.	Applicant(s)					
Regina M_DeBetry 1647 The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. THE MAILING DATE OF THIS COMMUNICATION 1560 in re-word, however, may a reply be timely field 1560	•	09/509,559	FORSSMANN ET AL.					
	Office Action Summary	Examiner	Art Unit					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>1</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Enteractive of lines may be available under the activations of 31 CPR 1 136(a) in no event, however, may a reply be linnely filled. Enteractive of tright is replicated above, the normalization premiated with adult and space SIX (b) MONTHS from the mailing date of this communication of their (30) caps will be considered timely. If NO period for right is specified above, the maximum stantiary partial will adult pages SIX (b) MONTHS from the mailing date of this communication, even if strengly filled may reduce a my example patient term adjustment. See 37 CFR 1 704(b). Status 1) Responsive to communication(s) filled on 26 April 2002. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) I-18 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Island (s) I-18 is/are application is a considered to by the Examiner. Claim(s) is/are objected to. 8) Claim(s) I-18 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) field on is/are: a) caccepted or b) objected to by the Examiner. Application Papers Application Papers The proposed drawing correction filled on is: a) objected to by the Examiner. 11 proposed drawing correction filled on is: a) objected to by the Examiner. 12 The proposed drawing correction filled on is: a) approved b) disapproved by the Examiner. 13 Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 3 Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 3 Copies of the certified copies of the priority documents have		Regina M. DeBerry	1647					
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Application/Control Number: 09/509,559

Art Unit: 1647

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-4, 9,11,12,14, drawn to a CDGF peptide, a medicament, use of the medicament, and a process of preparing CDGF.

Group II, claim(s) 5-7, drawn to the nucleic acid, vector, and diagnostic agent containing nucleic acids.

Group III, claim(s) 8, 18 drawn to the antibody and a diagnostic agent containing antibodies.

Group IV, claim(s) 10, 13, drawn to a diagnostic containing CDGF and the use of the diagnostic.

Group V, claim(s) 15, drawn to a medicament containing nucleic acids.

Group VI, claim(s) 16, drawn to a medicament containing antibodies.

The inventions listed as Groups I-VI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Groups I and IV are drawn to methods that recite structurally and functionally distinct elements. Groups I, II, IV,V,VI are drawn to different products. The special technical feature of Group I is the

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CDGF peptide, the medicament, use of the medicament and the process of preparing CDGF. The special technical feature of Group II is the nucleic acid, vector and diagnostic agent. The special technical feature of Group III is the antibody and diagnostic agent. The special technical feature of Group IV is the diagnostic agent and the use of the agent. The special technical feature of Group V is the medicament containing nucleic acids. The special technical feature of Group VI is the medicament containing antibodies.

Furthermore, Group I contains a product, a process of making and a process of using. PCT practices do not provide for examination of multiple methods of using the first claimed product.

In addition, claim 4 recites several different polypeptide sequences. As was stated above, PCT Rules provide for examination of one product, one method of making the product and one method of using the product. Different sequences constitute different products, since they have diverse sequences, coding regions and/or impart structural and functional differences. Applicant is required to elect one polypeptide (SEQ ID NO:).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, separate search requirements, and/or recognized divergent subject matter, restriction for examination purposes as indicated is proper.

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Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Regina M. DeBerry whose telephone number is (703) 305-6915. The examiner can normally be reached on Mondays-Fridays 8:00 a.m. - 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz can be reached on (703) 308-4623. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7939 for regular communications and (703) 308-4242 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

RMD

June 27, 2002

Yang d. Kung CARY L. KUNZ

SUPERVISORY PATENT EXAMINED